

REMARKS

This application has been carefully reviewed in light of the Office Action dated April 24, 2006. Claims 5, 7, 10-12, 14-16, 18, 19 and 21-33 have been withdrawn as being directed to non-elected species. Claims 1-3, 13, 17 and 20 have been canceled without prejudice. Claims 4, 6, 8 and 9 have been amended in terms which more clearly define the present invention. New claims 34-44 have been added. New claims 34 and 37 are the only independent claims. Thus, independent claim 34 (with claims 4, 6, 8, 9, 35 and 36 dependent thereon) and independent claim 37 (with claims 38-44 dependent thereon) are now presented for consideration. No new matter has been added. Favorable reconsideration is respectfully requested.

As noted above, Applicants have withdrawn the non-elected claims.

In the Office Action, claims 1-4, 6, 8, 9, 13, 17 and 20 were rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements. As shown above, Applicants have carefully drafted/amended the now pending claims to be definite and complete. Applicants respectfully submit that the pending claims are now proper under Section 112.

In the Office Action, claims 1-4, 6, 8, 9, 13, 17 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,671,363 (Cristofich et al.). As shown above, Applicants have canceled the prior independent claims and presented new independent claims 34 and 37. Applicants respectfully submit that new independent claims 34 and 37, together with the remaining claims respectively dependent thereon, are patentably distinct from the cited prior art for the following reasons.

Independent claims 34 and 37 are corresponding system and method claims. Claim 34 is generally directed to the subject matter of prior claim 3, i.e., it includes recitations directed to the monitoring system for ensuring proper functioning of the quote server. In the Office Action, the

Examiner states that this recitation was vague and unclear, and therefore interpreted claim 3 as merely “further comprising a quote monitoring system wherein the finance system accesses the quote server.” Applicants understand this to mean that the Examiner gave no patentable weight to the recited function of the monitoring system.

In the specification, the purpose and function of a monitoring system 48 is generally described at page 16, line 29-page 17, line 18, and is illustrated in Fig. 1. As described therein, under certain conditions such as market instability, the quote server 30 may provide inaccurate quotes. An indication that a quote may be inaccurate is that no quote is received for a predetermined period of time, e.g., 30 seconds to 30 minutes (see page 17, lines 13-14). The monitoring system 48 can advantageously notify the system when the quote server 30 fails to provide a quote within the dictates of a particular company plan (see page 17, lines 16-18), i.e., the trading plan including at least one of a stock option and stock purchase plan. Thus, the monitoring system ensures that inaccurate quotes are not transmitted to the participant 10 (see page 17, lines 15-16). As shown in Fig. 1, the monitoring system 48 is connected between the quote server 30 and the communication system 8 to the participant 10, and therefore is connected to be able to perform this function.

Accordingly, new independent claim 34 is directed to a system for inquiry and processing of trades made pursuant to a trading plan including at least one of a stock option plan and a stock purchase plan. The system comprises a finance system for automatic processing of a transaction pursuant to at least one of the stock option plan and the stock purchase plan, and a communication system connected to the finance system for enabling a participant of the trading plan to input transaction information regarding a requested transaction in accordance with the trading plan.

Claim 34 further recites that the finance system includes a volatile data storage for storing participant information, specific to the participant, pursuant to a data transfer from a nonvolatile database of a remote third party administration system, a first connection for accessing a quote server that provides real-time stock market quotes to the finance system, a monitoring system for ensuring proper function of the quote server by preventing inaccurate quotes from being provided to the participant, an interface system, connected to receive the participant information from the volatile data storage and quotes from the quote server in accordance with the monitoring system, for processing the requested transaction in accordance with the participant information, and a second connection to a trading system for conducting the processed requested transaction on a public exchange.

Applicants submit that new claim 34 is supported by the above discussed portions of the specification and Fig. 1, and by the disclosure generally, and contains no new matter.

In the rejection of claim 3 on page 4 of the Office Action, the Examiner does not indicate that Cristofich discloses or suggests the function of the monitoring system, consistent with the analysis under Section 112. However, Applicants submit that the function of the monitoring system as recited in new claim 34 is proper and entitled to full patentable weight. Applicants have found no teaching or suggestion in Cristofich of such a monitoring system, nor any teaching or suggestion of such a monitoring system in the context of the other limitations of claim 34. Applicants respectfully submit that claim 34 is therefore patentably distinct from Cristofich, alone or in combination with the other prior art of record.

New independent claim 37 is a method claim corresponding to system claim 34, and in particular recites the step of “monitoring the quote server for ensuring proper function of the quote server by preventing inaccurate quotes from being transmitted to the participant.”

Applicants respectfully submit that claim 37 is also patentably distinct from Cristofich, alone or in combination with the other prior art of record.

The remaining claims depend from a respective one of claims 34 and 37, and partake of the novelty of the respective independent claim.

In light of the foregoing amendments and remarks, Applicants respectfully submit that independent claim 34 and claims 4, 6, 8, 9, 35 and 36 dependent thereon, and independent claim 37 and claims 38-44 dependent thereon, are patentably distinct from the prior art of record.

Applicants further submit that the application is in proper form for allowance of all claims, and earnestly solicit a notice to that effect.

If any fee is due for this filing, please charge the LARGE ENTITY fee therefor to Deposit Account No. 16-2500 of the undersigned.

Applicants' undersigned attorney may be reached by telephone at (212) 969-3314 or by facsimile at (212) 969-2900. Please direct all correspondence to Customer No. 21890 at the address provided below.

Respectfully submitted
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